

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOE DASILVA, JR.,

Plaintiff,

Civil No. 20-11358

v.

Honorable Mark A. Goldsmith

CHRISTINE WORMUTH,
Secretary of the Army, and MARTIN
POTTER, in his individual capacity,

Magistrate Judge Anthony P. Patti

Defendants.

DECLARATION OF ADAM TODD

1. My name is Adam Todd. I am currently an Assistant Chief at the Detroit Arsenal Firehall and have served in that position for approximately the past 4 years. I started working at the Detroit Arsenal as a Firefighter about 10 years ago. I have known Joe DaSilva since that time and have worked with him over the years.
2. At work, Mr. DaSilva constantly called his colleagues “douchebags”. His typical greeting of the day was “what’s up, douchebag?” He also liked to greet coworkers with, “what’s up, fuck fuck?” When Mr. DaSilva disagreed with someone, he called them a “piece of shit.”

3. I observed Mr. DaSilva talk about wanting to “bang” Wendy Williams, who is a talk show host who would sometimes be on TV at the station. Mr. DaSilva talked about her big “tits” and made other sexual comments about her that I cannot specifically remember.
4. When I would drive with Mr. DaSilva, I observed him pointing out most every woman we passed and comment on them sexually.
5. I observed Mr. DaSilva call people “fat fuck” pretty often. This was usually directed at people on TV.
6. I personally observed Mr. DaSilva watching pornography in his bunkroom. The bunkrooms don’t have private doors, only curtains, so you can sometimes see inside. I observed Mr. DaSilva sitting on his bed watching pornography. The last time this happened was 5 or 6 years ago.
7. I observed Mr. DaSilva bragging about having a “huge dick.” He liked to brag about that. I did not see it, but it is common knowledge at the station that Mr. DaSilva exposed his penis next to Michael Fern’s head.
8. I sat on Mr. DaSilva’s interview panel when he interviewed for a promotion to captain/lead firefighter in 2019. Attached is my scoring sheet and the notes that I took during Mr. DaSilva’s interview. Of the eight individuals who interviewed for the position, I scored Mr. DaSilva the second lowest. As my notes show, I did not deem Mr. DaSilva qualified for the position and

recommended that he not get the job. As I wrote on my scoring form, Mr. DaSilva “does not demonstrate abilities to effectively lead the GS-8 level.”

9. Shane Biehl was ultimately selected for the position.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: 15 December, 2022


ADAM TODD

RESUME REVIEW, ANALYSIS AND RATING CRITERIA RESULTS														
Captain, GS-08, USAG (Detroit Arsenal Fire and Emergency Services) 2019														
Category	Criteria	Points	Sample		DaSilva									
Work Experience	Experience leading a team: • Demonstrates team building and mentorship. • Demonstrates acceptance of responsibility. • Demonstrates problem solving capability. • Demonstrates ability to be a self-starter.	Max 4 points	4	3	2	3	2	4	2	2	3			
	DOD Firefighting experience: • 0-4 Years = 1 points • 5-9 Years = 2 points • 10-14 Years = 3 points • 15-+ Years = 4 points	Max 4 points	4	3	3	3	3	4	2	3	4			
	DOD Lead Firefighting Experience: • Demonstrates leadership • Demonstrates a desire for community involvement by participating in compliant practices for fire Prevention & Protection • Demonstrates the ability to provide open communication and transparency.	Max 5 points	5	5	2	5	4	5	2	2	5			
	Knowledge of Installation:	10 points	10	10	10	5	10	10	10	0	10			
	Performed as a Lead Firefighter at the Detroit Arsenal:	10 points	10	10	0	0	10	10	10	0	10			
Training/ Certifications/ Education	Tech Rescue I Certification	3 points	3	3	3	3	3	3	3	0	3			
	Tech Rescue II Certification	3 points	3	3	3		3	3			3			
	Haz Mat IC	3 points	3			3	3				3			
	Health & Safety Officer	2 points	2	2			2	2			2			
	Incident Safety Officer	2 points	2	2	2			2	2	2	2			
	Blue Card Certified	2 points	2											
	ICS 300/400	2 points	2	2		2	2		2		2			
	CPSE Fire Officer Designee	2 points	2											
	Associate Degree=1,Bachelor Degree=2,Master Degree=3	3 points	3	1			2			3	1			
Awards and Levels of Recognition	Special Acts of Service, Achievement, Commander's, or Superior Performance Awards within the Last 5 Years Other - Monetary Awards, QSI, On The Spot, Time-Off, GO/SES Level Recognition	1 thru 5 points	5	5	2	4	0	5	5	0	0			
Other Experience	Other Significant Accomplishments	1 thru 5 points	5	5	2	4	3	4	1	1	3			
Interview Rating Sheet	Total Points From Oral Interview	9 thru 45 Points	45	37	11	31	17	25	23	17	25			
		Totals:	110	91	40	63	62	77	64	30	76	0	0	0
Name: ADAM TODD Grade: GS-10 Organization: DAFD Location:														
Position: ASSISTANT CHIEF DSN:														

INTERVIEW RATING SHEET						
Name of Position:			Date of Interview:			
Captain/Lead Firefighter, USAG Detroit Arsenal			Nov, 4th 2019			
Name of Candidate: Joe DaSilva						
Panel Members	ANCHORS					
		Evidence of Skill is Not Present	Some Evidence of Skill is Present	Very strong evidence skill is present		Total
<u>Performance Skills to be evaluated</u>						
<u>Rating/Score:</u>		1	3	5		
1 Motivating Others		1				1
2 Innovation & Initiative			3			3
3 Leadership		1				1
5 Customer Service		1				1
4 Planning, Prioritizing, and Goal Setting		1				1
6 Team Building		1				1
7 Scopes of Services / CLS		1				1
<u>Technical Skills to be evaluated</u>						
8 Fire Response (ICS)		1				1
9 Army Core Values		1				1
<u>Total Score for Candidate:</u>						11
RECOMMENDATION: Hire/Promote/Priority# <u>Not Hire/Promote</u>						
Reason for Recommendation: <u>Applicant does not demonstrate abilities needed to effectively lead at the GS-8 level. Should continue to improve and work towards engaging in activity to help.</u>						

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> Read 2x		
<p align="center"><u>Motivating Others</u></p> <p>Able to exhibit a "can-do" approach and inspire associates to excel; use competition to encourage others; develop performance standards and confront negative attitudes; learn what motivates others.</p>		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Bland communication style; Rarely sets positive example; Limited coaching/counseling skills; Limited awareness of goals; Socially isolated.	Average energy in speaking; Usually sets positive example; Some coaching/counseling skills; May use goals to motivate; Accepted by others.	Speaks with enthusiasm; Consistently sets positive example; Good coaching/counseling skills; Regularly uses goals to motivate; Admired by others.
<p>Describe a time you were able to provide mentorship and coaching techniques to motivate a team during an operational change.</p> <p>Taught CPR classes</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Did the candidate voice a "can-do" orientation, then plan and manage in a way that supported success? Was there a hollow, barely positive approach that may have stifled productive behavior?</p> </div> <p>Who was involved?</p> <p>- Base Populace - Department</p> <p>What did you use as motivational factors for both yourself and the individual or group? How were you able to measure the results of the success?</p> <p>- Did not discuss how motivated self or others - measurement / ?</p> <p>What skill set can you provide to ensure the employees you potentially lead remain motivated and are a viable asset to the installation?</p>		

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> <i>Read-20</i>		
<u>Innovation & Initiative</u>		
Able to display a high level of initiative and consistently seize opportunities when they arise; demonstrate commitment to sound business practices; improve upon conventional practices; apply novel solutions to problems and support continuous improvement.		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i> <i>3</i>	<i>Very Strong Evidence of Skill is Present</i>
Takes action when directed; Uses poor judgment in pursuing opportunities; Makes trivial improvements; Sticks with tried and true solutions; Provides little support for improvement.	Takes necessary steps to meet goals; Pursues routine opportunities; Corrects obviously flawed processes; Accepts others' new ideas; Understands need for continuous improvement.	Resourceful in accomplishing goals; Recognize/seizes unusual opportunities; Engineers significant improvements; Generates novel solutions; Encourages specific ideas for improvement.
<p>We value people who display a high level of initiative. Describe a time you displayed innovation and initiative to improve or develop a process, contract, or tasking.</p> <p><i>initiative to get parts fabricated for the apparatus</i></p> <p>Who was involved?</p> <p><i>Other occupants on base fabrication Department</i></p> <p>What was the outcome?</p> <p><i>- Brackets made - Stopped damage to equipment</i></p> <p>What skill set can you provide to maintain innovation and initiative as a paramount aspect of your leadership towards the organization you potentially would lead?</p>		
<div style="border: 1px solid black; padding: 5px;"> <p>Did the candidate do something unusual for his/her position, proactive and important? Was the action a routine part of the job? Was he/she directed to do it? Or, was it otherwise trivial?</p> </div>		

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> <i>Read ZX</i>		
<p align="center"><u>Leadership</u></p> <p>Able to inspire and motivate others toward strategic/operational goals and corporate values; coach and mentor others; consistently demonstrate decisiveness in day-to-day actions by making timely decisions; lead by example; face adversity head on; demonstrate concern for employees' welfare and safety by continuously monitoring and eliminating hazardous or unhealthy work situations.</p>		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Takes minimal action to motivate others; Reluctant to act as a coach; Chooses randomly when data is incomplete; Avoids conflict situations; Tolerates unsafe conditions.	Educates others about corporate values/goals; Recognizes the value of feedback; Delays decisions when data is incomplete; Addresses conflict when required; Corrects dangerous situations	Persuasively links individual/corporate goals; Gives constructive feedback and follows up; Uses available data to make timely decisions; Surfaces and effectively resolves conflict; Monitors and eliminates unsafe conditions.
<p>What are two of the most important values you demonstrate as a leader when dealing with a difficult issue?</p> <p><i>Do what you ask others to do</i></p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>Did the candidate provide active guidance, constructive feedback and a vote of confidence, and follow up helpfully? Was there little more than basic advice?</p> </div>		
<p>Give examples of each of these leadership values you have practiced in your career when dealing with such issues.</p>		
<p>Explain your greatest strengths and weaknesses as a leader. Explain what you have experienced as a success and as a failure to your leadership style. Explain what you have learned from your past errors in leadership.</p> <p><i>. weaknesses - Bring change to people that aren't interested</i></p>		

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> <i>Read 2x</i> <u>Customer Service</u>		
Able to identify and resolve customer service issues and concerns; demonstrate commitment to providing high quality service; continuously assess performance from the customer's point of view; anticipate and meet customer expectations; implement programs to promote customer focus.		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Prioritizes internal concerns over customer needs, Conducts cursory spot checks, Not responsive to customer feedback, Fails to meet customer expectations, Fails to reward customer-focused behavior.	Identifies obvious customer issues/needs, Emphasizes importance of high quality, Reacts to negative customer feedback, Meets some customer expectations, explains benefits of being customer-focused.	Anticipates and addresses customer issues/needs, Ensures highest quality service, Solicits customer feedback on performance, Exceeds customer expectations, Implements programs to promote customer focus.
Describe a situation in which you had to deal with a customer, tenant, or stakeholder who was difficult, hostile or distressed during your interaction. <i>EMT - Patient not wanting treatment</i>		
Who was involved? <i>one individual w/ heart issue</i>		<div style="border: 1px solid black; padding: 5px;"> Did the candidate recognize that the customer's experience was more important than other angles (e.g., cost control, historical data), monitor that through proactive communications with customers, and address any improvement areas needed? Was there merely a reaction to an obvious evolving problem? </div>
What specific actions did you take and what were the results? <i>convince them</i>		
What skill set can you provide to ensure the organization will be remain customer driven and customer focused?		

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> <i>Read 2X</i> <u>Planning, Prioritizing and Goal Setting</u> Able to prepare for emerging customer needs; manage multiple projects; determine project urgency in a meaningful and practical way; use goals to guide actions and create detailed action plans; organize and schedule people and tasks.		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Little time management skill; Limited experience in writing goals; Rarely uses written plans; Disorganized; Rarely sets priorities based on customer needs	Some skill in time management; Can write and set goals; Occasionally uses written plans; Generally organized; Can set priorities based on customer needs.	Skilled in a time management system; Writes specific goals with target dates; Uses written plans to guide activities; Highly organized; Prioritizes based on customer needs.
<p>Describe a situation that you were involved in to develop a new process or task in your current position that benefited your organization as well as your customers.</p> <p><i>- EMS Sheets / Run Reports</i> <i>- USED THE CITY REPORT</i></p> <p>Who was involved? <i>CAPT ASHWELL</i></p> <p>How did you set priorities? <i>—</i></p> <p>What was the outcome? <i>- EMS SHEET TO ASSIST W/ ON SCENE STANDARD FORM</i></p>		

Did the candidate keep all projects moving to hit deadlines? Was there haphazard allotment of resources to different tasks with unproductive and unnecessary chaos?

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> <i>Read</i> Team Building		
Able to encourage a participative approach to work and foster a cooperative environment; coach others in team-playing skills and maintain a strong team spirit; work well with others across the organization; place team priorities before personal priorities.		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Does not seek input from others; Reluctantly works with others; Offers hollow praise for teamwork; Resists working across departments; Prioritizes own interests over team priorities.	Seeks limited input; Provides backup help when needed; Explains the need for team skills; Works with other departments as required; Devotes some time/resources to team priorities.	Encourages full team participation; Promotes the benefits of working cooperatively; Helps others build and practice team skills; Encourages working across departments; Subordinates own priorities to meet team goals.
<p>Organizational pride is important to effective professional team productivity. Describe a time that required you to organize and lead a team to achieve a common goal for a common benefit.</p> <p><i>Organized charity to help military family at christmas</i></p> <p>Who was involved? <i>Army family Services</i></p> <p>What was the outcome? <i>families were happy</i></p>		
<div style="border: 1px solid black; padding: 5px;"> <p>Did the candidate promote the team's importance and motivate the team to succeed by working together as a group, rather than as individuals working separately? Was there simply a hollow, substance-free rah-rah speech?</p> </div>		

Performance Skill Questions with Interpretive Guides and Anchors		
Name of Position: <u>Captain/Lead Firefighter</u> Scopes of Services / CLS \		
Able to articulate Army Fire and Emergency Services programs and performance delivery IAW Army Fire and Emergency Services policies, regulations, and memorandums over all and specifically the Protection division.		
<i>Evidence of Skill is Not Present</i>	<i>Some Evidence of Skill is Present</i>	<i>Very Strong Evidence of Skill is Present</i>
Does not know what CRA/SOC is; Cannot explain why CRA/SOC is important to a department; Unable to explain how SOC provides support for Garrison leadership.	Has limited knowledge of a CRA/SOC is; Can vaguely explain why CRA/SOC is important to a fire department; Had difficulty explaining how SOC provides support for Garrison leadership.	Vast knowledge of CRA/SOC is evident; Easily able to articulate why CRA/SOC is important to a fire department; Displayed the ability to explain how SOC provides support for Garrison leadership.
What is a Community Risk Assessment & Standards of Cover? <u>"really don't know"</u>		Did the candidate explain the importance of the CRA/SOC, were they able to link the importance of the documents to the fire department and the Garrison leadership?
Describe how a Standards of Cover provides documented support for program effectiveness, program execution, and installation needs for manpower, apparatus, and cooperative partnerships for base operations. <u>"maybe people here"</u>		
How does a Standards of Cover support base operations for the Garrison leadership?		

Technical Skill Questions	
Name of Position: <u>Captain/Lead Firefighter</u>	
Technical Skill Title:	Incident Command System / Notifications
Technical Skill Definition:	Knowledge Based
Technical Skill Question(s):	
<p>1. As a Captain/Lead Firefighter, you are charged with the safety and well-being of your team and the community you serve. Please explain in great detail how the Incident Command System (ICS) works. <i>limited - no knowledge</i></p> <p>2. Provide an overview of how you will brief fire department leadership during an emergency incident and work with the EOC during significant events to ensure safety for the installation. <i>space about After Action Report.</i></p> <p><i>NOTHING ABOUT DURING.</i></p>	
Name of Position: <u>Captain/Lead Firefighter</u>	Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.
Personal Values:	<u>Army Core Values</u>
<p>Personal Values Question: Identify the two most important Army Core Values to you and provide an example where you demonstrated each of those Army core values: Ensure you are clear and concise as to how each of your examples relates to each of the core values you choose.</p> <p><i>"Support the Mission" - NOT A CORE VALUE</i></p>	
Closing Statement:	
<p>1. We would like to offer you the opportunity to add anything on your behalf to this interview.</p> <p><i>Thank you to the Panel for opportunity & learning experience</i></p>	
Interview Scheduled for (Enter Date and Time):	
<input type="checkbox"/> Candidate failed to keep interview appointment (without rescheduling)	
<input type="checkbox"/> Candidate withdrew from employment or promotion consideration. Give date / time / means (in-person, phone, e-mail, etc) and reason(s) for withdrawal or declination in the summary area above.	
Interviewers Name and Title (Type or Print):	Interviewer Signature:
<i>Adam B Todd</i>	TODD.ADAM.BR UCE.1093649580
	Digitally signed by TODD.ADAM.BRUCE.1093649580 Date: 2019.11.12 12:23:36 -05'00'